

From: (b)(6)
Sent: Thursday, July 19, 2018 10:17 AM
To: (b)(6) EOP/OMB
Cc: (b)(6) @va.gov
Subject: VA Response For Review by 7/20: DHS/USCIS Public Charge Grounds
Attachments: PC OMB PB2 Interagency Comments Matrix.xlsx; PC Compare 5 9 2018 to 7 16 2018 .pdf

Importance: High

Good Morning (b)(6) —

VA submits a "No Comment" response.

Thank you.

(b)(6)

(b)(6)

Program Specialist
Department of Veterans Affairs
Office of the Secretary (00REG)
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Washington, DC 20420
(b)(6)

From: (b)(6) EOP/OMB [mailto:(b)(6)@omb.eop.gov]
Sent: Monday, July 16, 2018 5:21 PM
To: (b)(6) (OLP); (b)(6) (OLP); (b)(6) (OLP); (b)(6) (OLP);
(b)(6) (HHS/OS);
(b)(6) @hhs.gov; (b)(6) @treasury.gov;
(b)(6) - ASP; DOLRegPolicy (b)(6) OBPA, Washington, DC; (b)(6) - OBPA,
Washington, DC (b)(6) usdareq@obpa.usda.gov; (b)(6)
(b)(6) VACO 00REG OMB Requests; (b)(6) @hud.gov; (b)(6) @HUD.gov;
(b)(6) @fhfa.gov; (b)(6) @sba.gov; OSD MC-ALEX OCMO Mailbox
DoD Reg Reviews; (b)(6) civ@mail.mil; (b)(6)
Cc: (b)(6) EOP/OMB; (b)(6) EOP/OMB; (b)(6) EOP/OMB
Subject: [WARNING: ATTACHMENT UNSCANNED][EXTERNAL] For Review by 7/20: DHS/USCIS Public Charge Grounds
Importance: High

Colleagues,

For review under Executive Order 12866, please find an updated draft of the *Public Charge Grounds* NPRM from the Department of Homeland Security, U.S. Citizenship and Immigration Services. Your comments on this revised draft are **due by COB July 20th**. This is a hard deadline.

DHS has made several significant changes to this draft NPRM. Of particular note, benefits use by dependents would not be included in an individual's public charge determination. Additionally, DHS has scoped the rule to a defined list of 'in' benefits which would be considered for a public charge determination.

Given the very tight timeline for this rule, we are asking agencies to limit their comments to operational or legal concerns. We also want to understand from agencies what processes, forms, advisories, notices, etc. the agency might have to alter or amend to implement this rule. For example, does your agency foresee any disenrollment costs going forward? Or do you currently have a notice on your enrollment forms indicating that the receipt of benefits under your program will *not* impact an individual's immigration status that you would have to change?

Please do not worry about non-substantive line edits. Please recognize, also, that the decision of whether to propose expanding the definition of public charge, broadly, has been made at a very high level and will not be changing.

Due to the high volume of comments received from the interagency on the previous passback, DHS has asked that agencies please use the provided comment matrix instead of redline going forward. Please note that the regulatory impact assessment will be circulated at a later date.

Many thanks for your engagement and please let me know if you have any questions.

Best,

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(b)(6)

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From: (b)(6)
Sent: Thursday, September 06, 2018 10:58 AM
To: (b)(6) EOP/OMB
Cc: (b)(6) @va.gov
Subject: VA Response For Review by 9/7: DHS/USCIS Public Charge Grounds NPRM
Attachments: PC Compare 7 16 2018 to 9 4 2018 DRAFT.pdf; OMB PB3 EOP and Interagency NO RIA.xlsx

Importance: High

Good Morning—

VA submits a “No Comment” response.

Thank you.

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From: (b)(6) EOP/OMB [mailto:(b)(6) @omb.eop.gov]
Sent: Tuesday, September 04, 2018 6:46 PM
To: (b)(6) (OLP) (b)(6) @usdoj.gov; (b)(6) (OLP)
(b)(6) @usdoj.gov; (b)(6) (OLP) (b)(6) @usdoj.gov; (b)(6) (OLP) (b)(6) @state.gov; (b)(6) (OLP) (b)(6) @usdoj.gov; (b)(6) @state.gov; (b)(6) (HHS/OS)
(b)(6) @hhs.gov; (b)(6) @hhs.gov; (b)(6) @ed.gov; (b)(6) @state.gov; (b)(6) @treasury.gov; (b)(6) @ed.gov; (b)(6) @treasury.gov; (b)(6) ASP (b)(6) @dol.gov; DOLRegPolicy <DOLRegPolicy@DOL.gov> (b)(6) OBPA, Washington, DC (b)(6) @obpa.usda.gov; (b)(6) OBPA, Washington, DC (b)(6) @obpa.usda.gov; (b)(6) @EEOC.GOV; usdareg@obpa.usda.gov; (b)(6) @ssa.gov; (b)(6) @ssa.gov; (b)(6) @ssa.gov; VACO 00REG OMB Requests <VACO02REGOMBRequests@va.gov> (b)(6) @hud.gov; (b)(6) @hud.gov; (b)(6) @HUD.gov; (b)(6) @HUD.gov; (b)(6) @tfta.gov; (b)(6) @fhfa.gov; (b)(6) @sba.gov; (b)(6) @sba.gov; OSD MC-ALEX OCMO Mailbox DoD Reg Reviews <osd.mc-alex.ocmo.mbx.dod-reg-reviews@mail.mil> (b)(6) civ@mail.mil; (b)(6)

(b)(6) @doc.gov>

Cc (b)(6) EOP/OMB (b)(6) @omb.eop.gov> (b)(6) EOP/OMB

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Subject: [EXTERNAL] For Review by 9/7: DHS/USCIS Public Charge Grounds NPRM

Importance: High

DRAFT AND DELIBERATIVE

Please do not share or discuss outside of your agency.

Colleagues,

For review under Executive Order 12866, please find an updated draft of the *Public Charge Grounds* NPRM from the Department of Homeland Security, U.S. Citizenship and Immigration Services. Your comments on this revised draft are **due by COB September 7th**. This is a hard deadline.

DHS has made several significant changes to this draft NPRM since the last draft of the document, e.g., the rule now includes exemptions for service-members and for adoptees, new *de minimis* language, a new definition of “household,” and it includes the addition of housing benefits as “public benefits” for public charge purposes. This draft does not yet have an RIA. We will circulate an RIA when it becomes available.

Given the very tight timeline for this rule, we continue to ask agencies to limit their comments to operational or legal concerns. We also want to understand from agencies what processes, forms, advisories, notices, etc. the agency might have to alter or amend to implement this rule. This information will be very helpful in assessing the costs and benefits and for a more clear understanding of the steps required for implementation.

Please do not worry about non-substantive line edits. Please recognize, also, that the decision of whether to propose expanding the definition of public charge, broadly, has been made at a very high level and will not be changing.

Please use the provided comment matrix. We ask that you please not merge cells, columns, rows, etc. or change the formatting in any way.

Many thanks for your engagement and please let me know if you have any questions.

Best,

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From: (b)(6)
Sent: Thursday, April 05, 2018 4:01 PM
To: (b)(6) EOP/OMB
Cc: (b)(6) @va.gov
Subject: VA Response to OMB Request For Review: DHS/USCIS Public Charge Grounds NPRM

Good Afternoon—

VA submits a “No Comment” response.

Thank you.

(b)(6)

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From: (b)(6) EOP/OMB [mailto:(b)(6)@omb.eop.gov]
Sent: Thursday, March 29, 2018 5:28 PM
To: VACO 00REG OMB Requests; usdareq@obpa.usda.gov; DOLRegPolicy; OS HHSExecSec; (b)(6)
 (b)(6) @treasury.gov; (b)(6) @sba.gov; (b)(6) @sba.gov; (b)(6) civ@mail.mil;
 (b)(6) @ed.gov; (b)(6) @ed.gov; (b)(6) @hq.doe.gov;
 (b)(6) @ios.doi.gov; (b)(6) @ios.doi.gov; (b)(6) @tva.gov; (b)(6) @ssa.gov;
 (b)(6) @hud.gov; (b)(6) @HUD.gov; (b)(6) (OLP); (b)(6) (OLP); (b)(6)
 (b)(6) (OLP); (b)(6) @eeoc.gov; DOT.Regulations@dot.gov; (b)(6)
 (b)(6) @fhfa.gov; (b)(6) @sba.gov
Cc: (b)(6) EOP/OMB
Subject: [EXTERNAL] For Review: DHS/USCIS Public Charge Grounds NPRM

Colleagues,

For review under Executive Order 12866, please see, attached, a draft Notice of Proposed Rulemaking (NPRM) from the Department of Homeland Security, United States Citizenship and Immigration Services (USCIS), *Public Charge Grounds*.

Summary: The Department of Homeland Security (DHS) proposes to prescribe how it determines whether an alien is inadmissible to the United States because he or she is likely at any time to become a public charge consistent with section 212(a)(4) of the Immigration and Nationality Act (INA). Aliens who are seeking adjustment of status or an immigrant visa, or who are applicants for admission, must all establish that they are not likely at any time to become a public charge. Moreover, DHS will require aliens seeking an extension of stay or change of status demonstrate that they are not using or receiving, nor likely to use or receive, public benefits.

DHS proposes to define the term public charge as the term is used in section 212(a)(4) of the INA. DHS also proposes to define the types of public benefits that are considered in public charge inadmissibility determinations. DHS proposes to clarify that it will make public charge determinations based on the totality of an alien's circumstances. DHS also proposes to clarify when an alien seeking adjustment of status or immigrant visa, who is inadmissible under section 212(a)(4) of the INA, may be admitted in the discretion of DHS upon the giving of public charge bond. With the publication of this proposed rule, DHS withdraws the proposed regulation on public charge that former Immigration and Naturalization Service (INS) published on May 26, 1999.

Please note that the proposed rule defines 'public benefit' as "any government assistance in the form of cash, checks or other forms of money transfers, or instruments and non-cash government assistance in the form of aid, services, or other relief, that is means-tested or intended to help the individual meet basic living requirements such as housing, food, or medical care. This includes certain non-cash as well as cash public assistance."

Please let me know if you have any questions and please submit any comments to me, (b)(6) (b)(6) @omb.eop.gov, by COB Friday, April 13th.

As always, please note that this document is draft and deliberative and should not be shared or discussed outside of your agency.

Many thanks,

(b)(6)

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